

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 15128US02)

In the Application of:

Steve Rodgers et al.

Serial No.: 10/695,008

Filed: October 28, 2003

For: SYSTEM AND METHOD FOR
SECURING DATA

Examiner: Daniel L. Hoang

Group Art Unit: 2436

Confirmation No.: 4253

Transmitted via the Office electronic filing
system September 9, 2011.

**APPLICATION FOR RECONSIDERATION OF THE
DETERMINATION OF PATENT TERM ADJUSTMENT
UNDER 35 U.S.C. 154(b)
ACCOMPANYING THE NOTICE OF ALLOWANCE
(37 CFR § 1.705)**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

The Applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed June 10, 2011 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States

Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 661 days.

The basis under § 1.702 for the adjustment is as follows.

Reductions in Patent Term Adjustment

Three Months to Respond to Office actions (37 CFR § 1.704(b))

The Applicant is contesting the following application(s) of 37 CFR § 1.704(b) to reduce the patent term adjustment in the present application.

Period from October 21, 2009, to February 26, 2010

- The pertinent Office action was mailed on July 21, 2009,
- The date three months after the mailing date of the Office action is Wednesday, October 21, 2009,
- The Office is believed to be characterizing the entire period beginning on the date that is three months after the mailing of the Office action of July 21, 2009, until the filing of a Request for Continued Examination on February 26, 2010, as "time during which the applicant failed to engage in reasonable efforts to conclude prosecution (processing or examination) of the application" under 37 C.F.R. §1.704(a),
- The reduction in the patent term adjustment proposed by the USPTO is 128 days,
- It is Applicant's position that the correct patent term adjustment is, at most, 5 days.

Applicant respectfully submits that a Notice of Appeal containing a Certificate of First Class Mailing was transmitted to the USPTO in accordance with

37 C.F.R. §1.8 on October 21, 2009. The filing of the Notice of Appeal is not shown in the Transaction History of the USPTO. However, the receipt by the USPTO on October 26, 2009 of the Notice of Appeal transmitted to the USPTO by the Applicant on October 21, 2009 is recorded in the Image File Wrapper of the USPTO Private PAIR system. A copy of Applicant's submission of the Notice of Appeal on October 21, 2009 showing a date stamp of the October 26, 2009 receipt by the USPTO, as retrieved from the USPTO Private PAIR system, is attached.

Applicant respectfully submits that the Notice of Appeal transmitted to the USPTO on October 21, 2009 and received by the Office on October 26, 2009 is an Applicant response which satisfies the time limit for responding to the Office action mailed July 21, 2009. Therefore, once the Notice of Appeal was received by the Office on October 26, 2009, the Applicant was no longer delaying prosecution.

On February 26, 2010, Applicant filed a Request for Continued Examination under 37 C.F.R. §1.114 accompanied by a petition under 37 C.F.R. §1.136(a) for a two-month extension of time, thereby extending the deadline under 37 C.F.R. §41.37 for the filing of an Appeal Brief after the October 26, 2009 filing of a Notice of Appeal, from December 26, 2009, to the date of filing of the Request for Continued Examination, February 26, 2010. However, a delay in filing a brief or a Request for Continued Examination after the filing of a Notice of Appeal is not a PTA reducing delay of prosecution, in that the statute defines unreasonable delay of prosecution as "any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request." See 37 C.F.R. §1.704(b). Further, the Office has not defined delay of any period from the filing of a Notice of Appeal as unreasonable delay of prosecution.

Therefore, it is Applicant's position that any reduction in patent term adjustment due to Applicant delay in this situation is, at most, the difference between the response deadline three months after the July 21, 2009 mailing of the final Office action, and the October 26, 2009 date of the filing of a Notice of Appeal, a difference of 5 days. Applicant respectfully notes, however, that any delays due to the filing of a Notice of Appeal are not calculated until after patent

issuance, and therefore are not applicable at this time. Applicant respectfully brings this to the attention of the Office.

Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

Reductions in Patent Term Adjustment

- **Three Months to Respond to Office actions**
(37 CFR § 1.704(b))

	Patent Term Adjustment (days)
USPTO Calculation	128
Applicant Calculation	5

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 661 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: September 9, 2011

By: /Michael T. Cruz/
Michael T. Cruz
Reg. No. 44,636
Attorney for Applicants

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street
Chicago, Illinois 60661
Telephone: (312) 775-8000

10/695,008	SYSTEM AND METHOD FOR SECURING DATA	06-15-2011::14:35:32
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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/695,008

Filing or 371(c) Date:	10-28-2003	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	709
A Delays:	709	PTO Manual Adjustments:	0
B Delays:	0	Applicant Delays:	221
C Delays:	0	Total PTA Adjustments:	488

Patent Term Adjustment History Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
76	06-10-2011	Mail Notice of Allowance			0
75	06-07-2011	Issue Revision Completed			0
74	05-28-2011	Allowed Case Returned to the Examiner for Clerical Processing			0
73	05-28-2011	Document Verification			0
72	05-28-2011	Notice of Allowance Data Verification Completed			0
71	05-28-2011	Case Docketed to Examiner in GAU			0
70	05-28-2011	Examiner's Amendment Communication			0
69	05-28-2011	Allowability Notice			0
68	02-24-2011	Date Forwarded to Examiner			0
67	02-22-2011	Response after Non-Final Action		63	65
66	02-22-2011	Request for Extension of Time - Granted			0
65	09-21-2010	Mail Non-Final Rejection			0
64	09-20-2010	Non-Final Rejection			0
63	07-25-2010	Date Forwarded to Examiner			0
62	07-22-2010	Response to Election / Restriction Filed			0
61	06-22-2010	Mail Restriction Requirement			0
60	06-21-2010	Restriction/Election Requirement			0
59	03-02-2010	Date Forwarded to Examiner			0

58	02-26-2010	Amendment Submitted/Entered with Filing of CPA/RCE		0
57	02-26-2010	Request for Continued Examination (RCE)	128	53
56	03-02-2010	Disposal for a RCE / CPA / R129		0
55	02-26-2010	Workflow - Request for RCE - Begin		0
53	07-21-2009	Mail Final Rejection (PTOL - 326)		0
52	07-20-2009	Final Rejection		0
51	05-12-2009	Date Forwarded to Examiner		0
50	04-06-2009	Response after Non-Final Action		0
49	01-06-2009	Mail Non-Final Rejection		0
48	01-05-2009	Non-Final Rejection		0
47	10-22-2008	Date Forwarded to Examiner		0
46	10-02-2008	Response after Non-Final Action	30	43
45	10-02-2008	Request for Extension of Time - Granted		0
44	10-06-2008	Case Docketed to Examiner in GAU		0
43	06-02-2008	Mail Non-Final Rejection		32
42	05-29-2008	Non-Final Rejection		0
41	03-17-2008	Appeal Brief Review Complete		0
40	03-17-2008	Date Forwarded to Examiner		0
39	03-14-2008	Appeal Brief Filed		0
38	03-14-2008	Request for Extension of Time - Granted		0
37	01-14-2008	Notice -- Defective Appeal Brief		0
36	01-10-2008	Appeal Brief Review Complete		0
35	01-10-2008	Date Forwarded to Examiner		0
34.1	12-14-2007	Defective / Incomplete Appeal Brief Filed		0
34	12-14-2007	Appeal Brief Filed		0

33	12-14-2007	Request for Extension of Time - Granted		0
32	08-14-2007	Notice of Appeal Filed		0
31	08-08-2007	Mail Advisory Action (PTOL - 303)		0
30	08-03-2007	Advisory Action (PTOL-303)		0
29	07-18-2007	Date Forwarded to Examiner		0
28	07-16-2007	Amendment after Final Rejection		0
27	05-14-2007	Mail Final Rejection (PTOL - 326)		0
26	05-10-2007	Final Rejection		0
25	03-09-2007	Date Forwarded to Examiner		0
24	03-07-2007	Response after Non-Final Action		0
23	12-07-2006	Mail Non-Final Rejection	709	0.5
22	12-05-2006	Non-Final Rejection		0
21	01-27-2005	Information Disclosure Statement considered		0
20	11-02-2006	Case Docketed to Examiner in GAU		0
19	10-20-2006	Case Docketed to Examiner in GAU		0
18	02-02-2006	Miscellaneous Incoming Letter		0
17	01-27-2005	Reference capture on IDS		0
16.7	01-27-2005	Information Disclosure Statement (IDS) Filed		0
16	01-27-2005	Information Disclosure Statement (IDS) Filed		0
15	10-16-2004	IFW TSS Processing by Tech Center Complete		0
14	10-16-2004	Case Docketed to Examiner in GAU		0
13	03-19-2004	Miscellaneous Incoming Letter		0
12	02-05-2004	Application Return from OIPE		0
11	02-05-2004	Application Return TO OIPE		0
10	02-05-	Application Is Now Complete		0

	2004		
7	02-04-2004	Application Dispatched from OIPE	0
6	02-04-2004	Application Is Now Complete	0
5	01-28-2004	Cleared by L&R (LARS)	0
4	01-20-2004	Referred to Level 2 (LARS) by OIPE CSR	0
3	01-20-2004	CASE CLASSIFIED BY OIPE	0
2	11-29-2003	IFW Scan & PACR Auto Security Review	0
1	10-28-2003	Initial Exam Team nn	0
0.5	10-28-2003	Filing date	0

[Close Window](#)

PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No. 10/695008

Docket No.

15128US02

DATE	EVENT	USPTO CALCULATION		APPLICANT'S CALCULATION	
		PTO Delay	Appl. Delay	PTO Delay	Appl. Delay
6/10/2011	Mail Notice of Allowance				
6/7/2011	Issue Revision Completed Allowed Case Returned to the Examiner for Clerical Processing				
5/28/2011	Document Verification Notice of Allowance Data Verification Completed				
5/28/2011	Case Docketed to Examiner in GAU				
5/28/2011	Examiner's Amendment Communication				
5/28/2011	Allowability Notice				
2/24/2011	Date Forwarded to Examiner				
2/22/2011	Response after Non-Final Action		63		63
2/22/2011	Request for Extension of Time Granted				
12/21/2010	Three months after Office action				
9/21/2010	Mail Non-Final Rejection				
9/20/2010	Non-Final Rejection				
7/25/2010	Date Forwarded to Examiner				
7/22/2010	Response to Election / Restriction Filed				

2/5/2004	Application Return TO OIPE				
2/5/2004	Application Is Now Complete				
2/4/2004	Application Dispatched from OIPE				
2/4/2004	Application Is Now Complete				
1/28/2004	Cleared by L&R (LARS)				
1/20/2004	Referred to Level 2 (LARS) by OIPE CSR				
1/20/2004	CASE CLASSIFIED BY OIPE				
11/29/2003	IFW Scan & PACR Auto Security Review				
10/28/2003	Initial Exam Team nn				
10/28/2003	Filing date				
PTA		PTO (Days)	APPL (Days)	PTO (Days)	APPL (Days)
		709	221	709	98
		488 Days		611 Days	
		USPTO CALCULATION		APPLICANT'S CALCULATION	



PTO/SB/31 (06-09)

Approved for use through 06/30/2009. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**Docket Number (Optional)
15128US02

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on October 21, 2009

Signature /Michael T. Cruz/Typed or printed
name Michael T. Cruz, Reg. No. 44,636

In re Application of

Steve W. Rodgers et al.

Application Number

10/695,008

Filed

October 28, 2003

For **SYSTEM AND METHOD FOR SECURING DATA**Art Unit
2436Examiner
Hoang, Daniel L.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 540☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ _____

☐ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 13-0017. I have enclosed a duplicate copy of this sheet.☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor./Michael T. Cruz/

Signature

☐ assignee of record of the entire interest.Michael T. Cruz, Reg. No. 44,636

Typed or printed name

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/09)☒ attorney or agent of record.312-775-8000

Telephone number

Registration number 44,636.☐ attorney or agent acting under 37 CFR 1.34

Registration number if acting under 37 CFR 1.34. _____

October 21, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of one (1) form is submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/27/2009 EFLORES 00000034 130817 10695008
01 FC:1401 540.00 DA



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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)
15128US02

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In re Application of
Steve W. Rodgers et al.

Application Number
10/695,008

Filed
October 28, 2003

Signature /Michael T. Cruz/

For **SYSTEM AND METHOD FOR SECURING DATA**

Typed or printed name
Michael T. Cruz, Reg. No. 44,636

Art Unit
2436

Examiner
Hoang, Daniel L.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) **\$ 540**

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: **\$ _____**
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 13-0017. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the /Michael T. Cruz/

☐ applicant/inventor. Signature

☐ assignee of record of the entire interest. Michael T. Cruz, Reg. No. 44,636

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. Typed or printed name

(Form PTO/SB/96)

☒ attorney or agent of record 312-775-8000

Registration number 44,636 Telephone number

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. October 21, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of one (1) form is submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, processing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (06-09)

Approved for use through 06/30/2009. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM		Application Number	
(to be used for all correspondence after initial filing)		10/695,008	
		Filing Date	
		October 28, 2003	
		First Named Inventor	
		Steve W. Rodgers	
		Art Unit	
		2436	
		Examiner Name	
		Hoang, Daniel L.	
Total Number of Pages in This Submission		Attorney Docket Number	
5		15128US02	
ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form (1 page, in duplicate)		<input type="checkbox"/> Drawing(s)	
<input type="checkbox"/> Fee Attached		<input type="checkbox"/> Licensing-related Papers	
<input type="checkbox"/> Amendment/Reply		<input type="checkbox"/> Petition	
<input type="checkbox"/> After Final		<input type="checkbox"/> Petition to Convert to a Provisional Application	
<input type="checkbox"/> Affidavits/declaration(s)		<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	
<input type="checkbox"/> Extension of Time Request		<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Express Abandonment Request		<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement		<input type="checkbox"/> CD Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53			
<input type="checkbox"/> After Allowance Communication to TC		<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	
<input type="checkbox"/> Appeal Communication to TC (Notice of Appeal, 1 page, in duplicate)		<input checked="" type="checkbox"/> Appeal Communication to TC (Notice of Appeal, 1 page, in duplicate)	
<input type="checkbox"/> Proprietary Information		<input type="checkbox"/> Status Letter	
<input checked="" type="checkbox"/> Return-Receipt Postcard		<input type="checkbox"/> Other Enclosure(s) (please identify below):	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	McAndrews Held & Malloy, Ltd.		
Signature	/Michael T. Cruz/		
Printed Name	Michael T. Cruz, Reg. No. 44,636		
Date	October 21, 2009		
CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 21, 2009			
Name (Print/type)	Michael T. Cruz	Registration No. (Attorney/Agent)	44,636
Signature	/Michael T. Cruz/	Date	October 21, 2009

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Effective on 12/08/2004

**FEE TRANSMITTAL
for FY 2009**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 540

Complete if Known

Application Number	10/695,008
Filing Date	October 28, 2003
First Named Inventor	Steve W. Rodgers
Examiner Name	Hoang, Daniel L.
Art Unit	2436
Attorney Docket No.	15128US02

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 13-0017 Deposit Account Name: McAndrews Held & Malloy

For the above-identified deposit account, the Director is hereby authorized to (check all that apply)

☒ Charge Fee(s) indicated below☐ Charge Fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fees(s) ☒ Credit any overpayments
under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity

Fee(\$)

Fee(\$)

Each independent claim over 3 (including Reissues)

210

105

Multiple dependent claims

370

185

Total Claims	Extra Claims	Fees(\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee	Fee Paid (\$)
-20 or HP	x	=	_____			

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fees(\$)	Fee Paid (\$)
-3 or HP	x	=	_____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee(\$)	Fee Paid(\$)
-100	/50	(round up to a whole number)	x	=

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Notice of Appeal (\$540)

SUBMITTED BY

Signature	/Michael T. Cruz/	Registration No.	44,636	Telephone	(312) 775-8000
Name (printtype)	Michael T. Cruz	(Attorney/Agent)		Date	October 21, 2009

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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OCT 26 2009
PATENT

Effective on 12/08/2004

Fees pursuant to the consolidated Appropriates Act, 2005 (H.R. 4818)

**FREE TRANSMITTAL
for FY 2009****Complete If Known**

Application Number	10/695,008
Filing Date	October 28, 2003
First Named Inventor	Steve W. Rodgers
Examiner Name	Hoang, Daniel L.
Art Unit	2436
Attorney Docket No.	15128US02

☐ Significant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 540

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 13-0017 Deposit Account Name: McAndrews Held & Malloy

For the above-identified deposit account, the Director is hereby authorized to (check all that apply)

- ☒ Charge Fee(s) indicated below ☐ Charge Fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fees(s) ☒ Credit any overpayments
- under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	Fee (\$)	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
		Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	310	155	510	255	210	105		
Design	210	105	100	50	130	65		
Plant	210	105	310	155	160	80		
Reissue	310	155	510	255	620	310		
Provisional	210	105	0	0	0	0		

2. EXCESS CLAIM FEES

Fee Description	Small Entity	Fee (\$)
Each claim over 20 (including Reissues)	50	26
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185
Total Claims	Extra Claims	Fee (\$)
-20 or HP	x	=
HP = highest number of total claims paid for, if greater than 20		
Indep. Claims	Extra Claims	Fee (\$)
-3 or HP	x	=
HP = highest number of independent claims paid for, if greater than 3		
Multiple Dependent Claims	Fee	Fee Paid (\$)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
-100	/50	(round up to a whole number)	x	=

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)		Fee Paid (\$)
Other (e.g., late filing surcharge): Notice of Appeal (\$540)		\$540

SUBMITTED BY

Signature	/Michael T. Cruz/	Registration No.	44,636	Telephone	(312) 775-8000
Name (print/type)	Michael T. Cruz	(Attorney/Agent)		Date	October 21, 2009

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which it is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.